

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

JESSIE LANDON STRICKLAND, 2007 AUG 23 P 2:29

Plaintiff,

v.

TIMOTHY LASHAWN WILLIAMS and )  
EVERGREEN TIMBER, INC., )

Defendants.

DEBRA P. JACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

Case Number 2:07CV705-MEF

Removed from Barbour County  
Circuit Court, Eufaula Division  
Case No. CV 2007-900032

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NOTICE OF REMOVAL

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TO: THE JUDGES FOR THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION:

The Notice of Removal of the Defendants Timothy Lashawn Williams and Evergreen Timber, Inc. respectfully shows:

1. On or about the 19th day of July, 2007, an action was commenced against the Defendants in the Circuit Court of Barbour County, Alabama, entitled *Jessie Landon Strickland v. Timothy Lashawn Williams and Evergreen Timber, Inc.*, Civil Action No. CV 2007-900032, by service upon the Defendant Evergreen Timber, Inc. of a Summons and Complaint on or about July 26, 2007 (copies of which are attached hereto as Exhibit A). Defendant Timothy Lashawn Williams has not yet been served. By and through undersigned counsel of record, both Evergreen Timber, Inc. and Timothy Lashawn Williams consent to the removal of this case.

2. The above-described action is a civil action over which this Court has jurisdiction under the provisions of Title 28, United States Code, § 1332, and is one which may be removed to this Court by the Defendants therein pursuant to the provisions of Title 28, United States Code, § 1441, as amended. There is complete diversity of citizenship. Upon information and belief,

Plaintiff is a resident of Geneva County, Alabama. Defendant Timothy Lashawn Williams is a resident of Ft. Gaines, Georgia, which is situated in Clay County, Georgia. Defendant Timothy Lashawn Williams is therefore a citizen not of the State of Alabama, but a citizen for purposes of diversity of the State of Georgia. Defendant Evergreen Timber, Inc. is a foreign corporation with its principal place of business in Cuthbert, Georgia which is situated in Randolph County, Georgia. Defendant Evergreen Timber, Inc. is therefore not a citizen of the State of Alabama, but for purposes of diversity, a citizen of the State of Georgia. 28 U.S.C. § 1332(c)(1).

3. This case first became removable on July 26, 2007 when service was had upon the Defendant Evergreen Timber, Inc. This Notice of Removal is filed within thirty (30) days of the date upon which this case first became removable, and is thus timely.

4. There is a sufficient amount in controversy to confer diversity jurisdiction over this matter as the amount in controversy plead in the Complaint exceeds \$75,000.00, exclusive of interest and costs. In his Complaint, Plaintiff alleges both negligence and wanton conduct and demands compensatory damages in the amount of \$2,500,000.00 and punitive and compensatory damages in the amount of \$7,500,000.00. (Complaint, Counts I and II, attached hereto in Exhibit A).

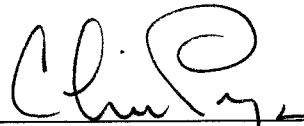
This is a civil action wherein Plaintiff makes claims against Timothy Lashawn Williams and Evergreen Timber, Inc. for personal injuries, including but not limited to, a crush injury to his left hip, a broken left leg, a broken left ring finger, a cut to his left middle finger, a back injury and bruises and contusions. In addition, Plaintiff claims that he has required, and will require, surgeries in the future as a result of these personal injuries. Plaintiff also seeks recovery for physical suffering and mental anguish as a result of this accident. In addition, Plaintiff claims to have lost income in the past and that he will lose income in the future due to permanent physical limitations which he alleges to be related to this accident. (Complaint, attached hereto in Exhibit A).

5. Copies of all pleadings and orders from the state court matter are attached to this Notice. Contemporaneously with the filing of this Notice of Removal, Defendants have filed a copy of this document with the Circuit Court of Barbour County, Alabama, Eufaula Division. (A copy of which is attached hereto as Exhibit B). No other pleadings have been filed in this matter

6. By removing this case, Defendants do not intend to waive their defenses as to lack of personal jurisdiction, and further deny that Alabama law is applicable to the facts of this case.

7. In his Complaint, Plaintiff demanded a trial by jury. Defendants have not yet filed a responsive pleading.

**WHEREFORE**, Defendants Timothy Lashawn Williams and Evergreen Timber, Inc., by and through their undersigned counsel of record, pray that the above action now pending against them in the Circuit Court of Barbour County, Alabama, Eufaula Division, be removed therefrom to this Court.



WILLIAM H. SISSON (SISSW9947)  
CAROLINE T. PRYOR (PRYOC2802)  
Attorneys for Defendants -- TIMOTHY  
LAWSHAWN WILLIAMS and EVERGREEN  
TIMBER, INC.

**OF COUNSEL:**

CARR, ALLISON  
6251 Monroe Street, Suite 200  
Daphne, AL 36526  
(251) 626-9340  
(251) 626-8928 - Facsimile  
whs@carrallison.com  
ctp@carrallison.com

**CERTIFICATE OF SERVICE**

I hereby certify that I have this date served a copy of the foregoing pleading upon the following by placing a copy of same in the United States mail, postage prepaid, addressed as follows on this the 3rd day of August, 2007:

David W. Rousseau, Esq.  
211 West Adams Street  
Dothan, Alabama 36303

  
\_\_\_\_\_  
OF COUNSEL

**IN THE CIRCUIT COURT OF BARBOUR COUNTY, ALABAMA  
EUFULA DIVISION**

**JESSE LADON STRICKLAND,**

**PLAINTIFF,**

**VS.**

**TIMOTHY LASHAWN WILLIAMS and  
EVERGREEN TIMBER, INC.**

**DEFENDANTS.**

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**Case No. CV-2007-\_\_\_\_\_**

**COMPLAINT**

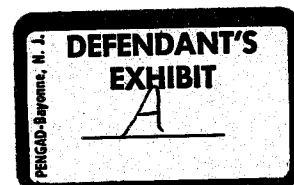
Plaintiff states as follows:

**JURISDICTION**

1. The matter in controversy, exclusive of costs, exceeds ONE HUNDRED THOUSAND DOLLARS (\$100,000.00).
2. Plaintiff is a resident citizen of Geneva County, Alabama.
3. Defendant Williams is a resident citizen of Eufaula, Alabama.
4. By information and belief, Evergreen Timber, Inc. is a Georgia corporation qualified to do business in Alabama.

**COUNT I  
Negligence**

5. Plaintiff incorporates by reference the preceding paragraphs into this complaint as if they were set out herein in their entirety.
6. On or about October 28, 2005, Plaintiff suffered severe personal injury when the farm implement attached to a farm tractor he operated was struck from behind while Mr. Strickland was traveling upon Georgia Highway 62 West.
7. The collision was caused by the negligent act of Defendant Williams who caused or allowed the log truck he operated, which was traveling in the same direction as Mr. Strickland, to collide with the farm implement attached to the farm tractor.
8. Mr. Strickland was knocked off of the tractor by the collision and the tractor ran over him.



9. As a result of the previously described incident, Mr. Strickland's left hip was crushed, his left leg was broken, the ring finger of his left hand was broken, the middle finger of his left hand was cut, his hip and ribs were severely bruised, his back was injured and he was otherwise battered and made sore.

10. As a result of the previously described injuries, Mr. Strickland incurred medical bills when he had his hip and leg fractures surgically repaired. Mr. Strickland will require additional surgeries in the future a.

11. As a result of the injuries described above, Mr. Strickland could not continue in his prior job and has lost and will continue to lose income due to his physical limitations which are believed to be permanent.

12. As a result of the physical injuries and treatment necessitated by the injuries sustained in the collision, Mr. Strickland has suffered physical pain and mental anguish.

13. At the time of the collision Defendant Williams was employed by the Defendant Evergreen Timber, Inc.

14. The collision occurred while the Defendant Williams was acting within the line and scope of his employment with the Defendant Evergreen Timber, Inc.

Wherefore, Plaintiff demands judgment against the Defendants for \$2,500,000.00 in compensatory damages and court costs.

## COUNT II Wantonness

15. Plaintiff incorporates by reference the preceding paragraphs into this complaint as if they were set out herein in their entirety.

16. The collision was caused by the wanton act of Defendant Williams who caused or allowed the log truck he operated, which was traveling in the same direction as Mr. Strickland, to collide with the farm implement attached to the farm tractor.

17. As a result of the wanton actions of the Defendant Williams, the Plaintiff suffered the injuries and damages previously outlined above.

18. At the time of the Defendant Williams' wanton conduct, he was operating within the line and scope of his employment with the Defendant Evergreen Timber, Inc.

Wherefore, Plaintiff demands judgment against the Defendants for \$7,500,000.00 in punitive and compensatory damages and court costs.

Dated this the 19<sup>th</sup> day of July, 2007.

s/ David W. Rousseau  
DAVID W. ROUSSEAU (ROU007)  
211 W. Adams Street  
Dothan, Alabama 36303  
(334) 699-9000  
Attorney for Plaintiff

**JURY DEMAND**

Plaintiff demands trial by jury.

s/ David W. Rousseau  
David W. Rousseau

**Please serve defendants by certified mail at:**

**Evergreen Timber, Inc.  
c/o John Michael Oliver  
1902 Bell Mill Rd., P.O. Box 277  
Cuthbert, GA 39840**

**Timothy Lashawn Williams  
71 County Street  
Eufaula, AL 36027**

State of Alabama Unified Judicial System Form C-34 Rev 6/88	<b>SUMMONS</b> <b>- CIVIL -</b>	<b>Case Number:</b> 69-CV-2007-900032.00
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**IN THE CIVIL COURT OF BARBOUR, ALABAMA**  
**JESSE LADON STRICKLAND v. TIMOTHY LASHAWN WILLIAMS ET AL**

**NOTICE TO** EVERGREEN TIMBER, INC., 1902 BELL MILL RD. P.O. BOX 277, CUTHBERT GA, 39840

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY DAVID ROUSSEAU

WHOSE ADDRESS IS 211 W. ADAMS, DOTHAN AL, 36303

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

TO ANY SHERIFF OR ANY PERSONNEL AUTHORIZED by the Alabama Rules of the Civil Procedure:

☐ You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant  
☒ Service by certified mail of this summons is initiated upon the written request of JESSE LADON STRICKLAND  
 pursuant to the Alabama Rules of the Civil Procedure

7/19/2007 4:33:42 PM  
 Date

/s DAVID NIX  
 Clerk/Register

\_\_\_\_\_  
 By

☒ Certified mail is hereby requested /s DAVID ROUSSEAU  
 Plaintiff's/Attorney's Signature

**RETURN ON SERVICE:**  
☐ Return receipt of certified mail received in this office on \_\_\_\_\_  
☐ I certify that I personally delivered a copy of the Summons and Complaint to \_\_\_\_\_  
 \_\_\_\_\_ in \_\_\_\_\_ County, Alabama on \_\_\_\_\_

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Server's Signature



State of Alabama Unified Judicial System  Form C-34 Rev 6/88	<b>SUMMONS - CIVIL -</b>	<b>Case Number:</b> 69-CV-2007-900032.00
IN THE CIVIL COURT OF BARBOUR, ALABAMA <b>JESSE LADON STRICKLAND v. TIMOTHY LASHAWN WILLIAMS ET AL</b>		
NOTICE TO TIMOTHY LASHAWN WILLIAMS, 71 COUNTY STREET, EUFAULA AL, 36027		
THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY DAVID ROUSSEAU		
WHOSE ADDRESS IS 211 W. ADAMS, DOTHAN AL, 36303		
THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT. TO ANY SHERIFF OR ANY PERSONNEL AUTHORIZED by the Alabama Rules of the Civil Procedure:		
<input type="checkbox"/> You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant		
<input checked="" type="checkbox"/> Service by certified mail of this summons is initiated upon the written request of JESSE LADON STRICKLAND pursuant to the Alabama Rules of the Civil Procedure		
7/19/2007 4:33:42 PM Date	/s DAVID NIX Clerk/Register	By _____
<input checked="" type="checkbox"/> Certified mail is hereby requested /s DAVID ROUSSEAU Plaintiff's/Attorney's Signature		
RETURN ON SERVICE: <input type="checkbox"/> Return receipt of certified mail received in this office on _____ <input type="checkbox"/> I certify that I personally delivered a copy of the Summons and Complaint to _____ _____ in _____ County, Alabama on _____ Date Server's Signature		

IN THE CIRCUIT COURT OF BARBOUR COUNTY, ALABAMA  
MONTGOMERY DIVISION

JESSIE LANDON STRICKLAND,

Plaintiff,

v.

TIMOTHY LASHAWN WILLIAMS and  
EVERGREEN TIMBER, INC.,

Defendants.

2007 AUG -3 3:37

DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

2:07cv705-MEF  
Case Number CV 2007-900032

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NOTICE OF REMOVAL

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TO: BARBOUR COUNTY CIRCUIT CLERK

Please take notice that Timothy Lawshawn Williams and Evergreen Timber, Inc., the Defendants in the above styled action, have this day removed this action to the United States District Court for the Middle District of Alabama, Northern Division, a copy of which Removal is attached hereto, in the Office of the Clerk in the United States District Court for the Middle District of Alabama, Northern Division at Montgomery, Alabama.

On this 3rd day of August, 2007.

/s/ WILLIAM H. SISSON

WILLIAM H. SISSON (SIS001)

CAROLINE T. PRYOR (PRY005)

Attorneys for Defendants -- TIMOTHY  
LAWSHAWN WILLIAMS and EVERGREEN  
TIMBER, INC.

**OF COUNSEL:**

CARR, ALLISON

6251 Monroe Street, Suite 200

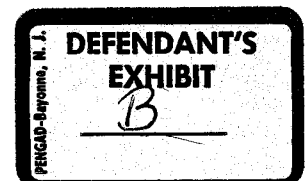
Daphne, AL 36526

(251) 626-9340

(251) 626-8928 - Facsimile

whs@carrallison.com

ctp@carrallison.com



**CERTIFICATE OF SERVICE**

I do hereby certify that I have on this 3rd day of August, 2007, I electronically filed the foregoing with the Clerk of the Court to the following:

David W. Rousseau, Esq.  
211 West Adams Street  
Dothan, Alabama 36303

/s/ WILLIAM H. SISSON  
OF COUNSEL